

Consumer Product Safety Commission

§ 1307.3

from other products. Lawn darts will not be available through commercial channels after the effective date of the ban.

(e) *Alternatives.* (1) The Commission considered various labeling requirements and limitations on the marketing of lawn darts that would be intended to discourage the marketing of the product to children and the use of the product by children. The Commission concluded, however, that these types of requirements would not preclude substantial use of the product by children and would not reduce adequately the risk of injury addressed by this rule.

(2) The Commission also considered the possibility of performance requirements for lawn darts to determine which lawn darts present an unreasonable risk of injury of skull penetration to children, but such requirements were determined not to be feasible.

(f) *Conclusion.* The Commission finds:

(1) That this rule, including its effective date, is reasonably necessary to eliminate or adequately reduce the unreasonable risk of skull puncture wounds to children associated with lawn darts and will also eliminate or reduce the other injuries, including puncture wounds, that have been associated with this product.

(2) That issuance of the rule is in the public interest.

(3) That no feasible consumer product safety standard would adequately protect the public from the unreasonable risk associated with lawn darts.

(4) That the benefits expected from this rule bear a reasonable relationship to its costs.

(5) That the rule imposes the least burdensome requirement which prevents or adequately reduces the risk of injury for which the rule is being promulgated.

§ 1306.5 Effective date.

This rule is effective December 19, 1988 and applies to all lawn darts in the chain of distribution on or after that date.

PART 1307—PROHIBITION OF CHILDREN'S TOYS AND CHILD CARE ARTICLES CONTAINING SPECIFIED PHTHALATES

Sec.

1307.1 Scope and application.

1307.2 Definitions.

1307.3 Prohibition on children's toys and child care articles containing specified phthalates.

AUTHORITY: Sec. 108, Pub. L. 110-314, 122 Stat. 3016 (August 14, 2008); Pub. L. 112-28, 125 Stat. 273 (August 12, 2011).

SOURCE: 82 FR 49982, Oct. 27, 2017, unless otherwise noted.

§ 1307.1 Scope and application.

This part prohibits the manufacture for sale, offer for sale, distribution in commerce or importation into the United States of any children's toy or child care article containing any of the phthalates specified in § 1307.3.

§ 1307.2 Definitions.

The definitions of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2052(a)) and the Consumer Product Safety Improvement Act of 2008 (CPSIA) (Pub. L. 110-314, sec. 108(g)) apply to this part. Specifically, as defined in the CPSIA:

(a) *Children's toy* means a consumer product designed or intended by the manufacturer for a child 12 years of age or younger for use by the child when the child plays.

(b) *Child care article* means a consumer product designed or intended by the manufacturer to facilitate sleep or the feeding of children age 3 and younger, or to help such children with sucking or teething.

§ 1307.3 Prohibition of children's toys and child care articles containing specified phthalates.

(a) As provided in section 108(a) of the CPSIA, the manufacture for sale, offer for sale, distribution in commerce, or importation into the United States of any children's toy or child care article that contains concentrations of more than 0.1 percent of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP) is prohibited.

(b) In accordance with section 108(b)(3) of the CPSIA, the manufacture for sale, offer for sale, distribution in commerce, or importation into the United States of any children's toy or child care article that contains concentrations of more than 0.1 percent of diisononyl phthalate (DINP), diisobutyl phthalate (DIBP), di-*n*-pentyl phthalate (DPENP), di-*n*-hexyl phthalate (DHEXP), or dicyclohexyl phthalate (DCHP) is prohibited.

(c) In accordance with section 108(c) of the CPSIA, the restrictions stated in paragraphs (a) and (b) of this section apply to any plasticized component part of a children's toy or child care article or any other component part of a children's toy or child care article that is made of other materials that may contain phthalates.

[82 FR 49982, Oct. 27, 2017, as amended at 83 FR 34764, July 23, 2018]

PART 1308—PROHIBITION OF CHILDREN'S TOYS AND CHILD CARE ARTICLES CONTAINING SPECIFIED PHTHALATES: DETERMINATIONS REGARDING CERTAIN PLASTICS

Sec.

1308.1 Prohibited children's toys and child care articles containing specified phthalates and testing requirements.

1308.2 Determinations for specified plastics.

AUTHORITY: Sec. 3, Pub. L. 110–314, 122 Stat. 3016; 15 U.S.C. 2063(d)(3)(B).

SOURCE: 82 FR 41171, Aug. 30, 2017, unless otherwise noted.

§ 1308.1 Prohibited children's toys and child care articles containing specified phthalates and testing requirements.

Section 108(a) of the Consumer Product Safety Improvement Act of 2008 (CPSIA) permanently prohibits any children's toy or child care article that contains concentrations of more than 0.1 percent of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP). In accordance with section 108(b)(3) of the CPSIA, 16 CFR part 1307 prohibits any children's toy or child care article that contains concentrations of more than 0.1 percent of diisononyl phthalate

(DINP), diisobutyl phthalate (DIBP), di-*n*-pentyl phthalate (DPENP), di-*n*-hexyl phthalate (DHEXP), or dicyclohexyl phthalate (DCHP) is prohibited. Materials used in children's toys and child care articles subject to section 108(a) of the CPSIA and 16 CFR part 1307 must comply with the third party testing requirements of section 14(a)(2) of the Consumer Product Safety Act (CPSA), unless listed in § 1308.2.

[83 FR 3585, Jan. 26, 2018, as amended at 83 FR 34765, July 23, 2018]

§ 1308.2 Determinations for specified plastics.

(a) The following plastics do not exceed the phthalates content limits with a high degree of assurance as that term is defined in 16 CFR part 1107:

(1) Polypropylene (PP), with any of the following additives:

- (i) The plasticizers polybutenes, dioctyl sebacate, isooctyl tallate, paraffinic, naphthenic, and mineral plasticizing oils, and polyol;
- (ii) Unrecovered catalysts;
- (iii) Fillers;
- (iv) Primary and secondary antioxidants;
- (v) Neutralizing agents;
- (vi) Antistatic agents;
- (vii) Slip agents;
- (viii) Metal deactivators;
- (ix) Quenchers;
- (x) UV stabilizers;
- (xi) Nucleating agents;
- (xii) Flame retardants;
- (xiii) Blowing or foaming agents;
- (xiv) Antiblocking agents;
- (xv) Lubricants; or
- (xvi) Colorants.

(2) Polyethylene (PE), with any of the following additives:

- (i) The plasticizers glyceryl tribenzoate, polyethylene glycol, sunflower oil, paraffin wax, paraffin oil, mineral oil, glycerin, EPDM rubber, and EVA polymer;
- (ii) Initiators;
- (iii) Promoters;
- (iv) Unrecovered catalysts;
- (v) Fillers;
- (vi) Antistatic agents;
- (vii) Flame retardants;
- (viii) Anti-blocking agents;
- (ix) Slip agents;
- (x) Blowing agents;
- (xi) Cross-linking agents;